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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/02/2003

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EXAMINER

LEE, Y MY QUACH

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

12/1
received 12/3

Office Action Summary

Application No.

10/088,963

Applicant(s)

SCHUTZ ET AL.

Examiner

Y Quach Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-8, 10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawing figures 2b, 2c and 14 are objected to because the term "ERSATZBLATT (REGEL 26) is not understood and should be deleted. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings 2a to 2c and 13 to 15 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) "32", "33", "34", "35" "36", "37", "38", "39", 40", "41", "42", "43", "44", "45", "46", "47", "48", "49" and "50" not mentioned in the description of the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: There are no brief description for drawing figures 2a, 2b, 2c, 13, 14 and 15. There are no section headings for Background of the Invention, Summary of the Invention, Brief Description of the Drawing(s), and Detailed Description of the Invention in the specification. On page 16, line 26 to line 1 of page 17, the sentence "Here too, the degree of reduction in luminance attained by on the hole size" is incomplete. On page 17, lines 25 to line 1 of page 18, the sentence "Thus, the light beams in the light emitted or sheathed cables 20 exit lamp 24 define an axis 23 running parallel to the two gaps 7" is not understood.

Claim Objections

4. Claims 2 to 12 are objected to because of the following informalities: In claim 2, the reference numeral "(8)" is incorrect and should be changed to --(9)-- in view of drawing figure 1 and the specification; the reference numeral "(9)" is incorrect and should be changed to --(8)--. In claim 3, the term "is/are" is inaccurate and should be changed to --are/is-- in view of the previous term "and/or" on the same line. In claim 4, there is no clear antecedent basis for "the connecting means" in view of the language "one of the three preceding claims" as recited on line 1 of the same claim. The connecting means is first introduced in claim 3 and has not been

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established in claims 1 and 2. In claim 5, there are no clear antecedent basis for “the reflector” and “the connecting means” in view of the language “one of the preceding claims” as recited on line 1 of the same claim. The reflector is first introduced in claim 2 and has not been established in claim 1, and the connecting means is first introduced in claim 3 and has not been established in claims 1 and 2. In claim 6, the terms “the reflector”, “the carrier body” and “the connecting means” lack a clear antecedent basis in view of the language “one of the preceding claims” as recited on line 1 of the same claim. The reflector is first introduced in claim 2 and has been established in claim 1, the carrier body is first introduced in claim 5 and has not been established in claims 1 to 4, and the connecting means is first introduced in claim 3 and has been introduced in claims 1 and 2. In claim 7, the term “the carrier body” lacks a clear antecedent basis in view of the language “one of the preceding claims” as recited on line 1 of the same claim. The carrier body is first introduced in claim 5 and has not been established in claims 1 to 4. In claim 8, there is no clear antecedent basis for “the reflectors” in view of the language “one of the preceding claims” as recited on line 1 of the same claim. The reflectors are first introduced in claim 2 and have not been established in claim 1. Claims 9 to 12 depend on rejected claims 2 to 8 and as such are also rejected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (prior art cited by applicant).

Williams et al. shows a lamp comprising a holding device (28) for a luminous element (26), a housing featuring an upper housing part (10) and a lower housing part (B), the housing at least partially surrounding an interior space provided for the luminous element, wherein at least one gap (column 6, lines 38 and 46) parallel to each other and exist between the upper housing part and the lower housing part through which air exchange is possible between the interior space of the lamp surrounded by the housing and the external space.

7. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bedel.

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Bedel shows a lamp comprising a holding device (53) for a luminous element (50), a housing featuring a transparent upper housing part (Cb, Lc, Cc) and a lower housing part (Ma, Mb, Mc), the housing at least partially surrounding an interior space provided for the luminous element, wherein at least one gap (68, 68c) exists between the upper housing part and the lower housing part through which air exchange is possible between the interior space of the lamp surrounded by the housing and the external space.

8. Claims 2 to 8, 10 and 12 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scribner is cited to show other pertinent circulating air lamp fixture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 703-308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Y. Q.
August 21, 2003


Y Quach Lee
Patent Examiner
Art Unit 2875